

REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the amendments above and the remarks which follow.

DISPOSITION OF CLAIMS

Claims 17, 18, 20, 21, 23-27, 29-31, 34-41, and 49-51 are pending in this application. Claims 52 and 53 have been canceled. The features of canceled claims 52 and 53 have been incorporated into claims 17, 33, and 36.

REJECTIONS UNDER 35 U.S.C. §103

I. Claims 17, 18, 20, 21, 23-27, 30, 31, 33-36, 38, 40, 41, and 49-53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 5882676) in view of Gyory (U.S. 5668170). Claims 52 and 53 have been cancelled. Reconsideration of the rejection of claims 17, 18, 20, 21, 23-27, 30, 31, 33-36, 38, 40, 41, and 49-51 is respectfully requested.

Lee et al. and Gyory do not teach a formulation having the feature, "a non-aqueous, single-phase biocompatible vehicle comprising a solvent, a surfactant, and a polymer, wherein the solvent, the surfactant, and the polymer are not the same, wherein the solvent is lauryl lactate or lauryl alcohol, the surfactant is selected from the group consisting of esters of polyhydric alcohols, ethoxylated castor oil, polysorbates, esters or ethers of saturated alcohols, and polyoxyethylenepolyoxypropylene block copolymers, and the polymer is selected from the group consisting of polyesters, pyrrolidones, esters or ethers of unsaturated alcohols, and polyoxyethylenepolyoxypropylene block copolymers," as recited in amended claims 17, 18, 20, 21, 23-27, 30, 31, 33-36, 38, 40, 41, and 49-51. Withdrawal of the rejection of claims 17, 18, 20, 21, 23-27, 30, 31, 33-36, 38, 40, 41, and 49-51 over Lee et al in view of Gyory is respectfully requested.

II. Claims 17, 29, 37, and 39 were rejected as being unpatentable over Lee et al. (U.S. Patent No. 5882676) in view of Gyory (U.S. 5668170) and further in view of Benson et al. (U.S. Patent No. 4078060). Reconsideration of this rejection is respectfully requested.

Lee et al and Gyory do not teach a formulation having the feature, “a non-aqueous, single-phase biocompatible vehicle comprising a solvent, a surfactant, and a polymer, wherein the solvent, the surfactant, and the polymer are not the same, wherein the solvent is lauryl lactate or lauryl alcohol, the surfactant is selected from the group consisting of esters of polyhydric alcohols, ethoxylated castor oil, polysorbates, esters or ethers of saturated alcohols, and polyoxyethylenepolyoxypropylene block copolymers, and the polymer is selected from the group consisting of polyesters, pyrrolidones, esters or ethers of unsaturated alcohols, and polyoxyethylenepolyoxypropylene block copolymers,” as recited in amended claims 17, 29, 37, and 39. Benson et al. also fail to overcome the deficiencies in Lee et al and Gyory. Withdrawal of the rejection of claims 17, 29, 37, and 39 over Lee et al. in view of Gyory and further in view of Benson et al. is respectfully requested.

CONCLUSION

Applicant believes that this paper is fully responsive to the Office Action dated May 2, 2007, and respectfully requests that a timely Notice of Allowance be issued in this case. A call to the undersigned is encouraged if the Examiner believes that a telephone conference would advance prosecution of this application.

Please apply any charges not covered or credits in connection with this filing to Deposit Account No. 503202 (ref. ARC2914C1).

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Respectfully submitted,

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